



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

March 17, 1976

**The Honorable Roy W. Mouer
Securities Commissioner
State Securities Board
709 Lyndon Baines Johnson Bldg.
Austin, Texas 78711**

Open Records Decision No. 122

**Re: Copy of deposition
taken in Securities Board
investigatory proceeding.**

Dear Commissioner Mouer:

Pursuant to article 6252-17a, section 7, V.T.C.S., the Open Records Act, you have requested our decision as to whether a copy of a deposition taken pursuant to article 581-28, V.T.C.S., is excepted by section 3(a)(1) of the Open Records Act, from required public disclosure and copying as information made confidential by law.

Article 581-28, V.T.C.S., provides in pertinent part:

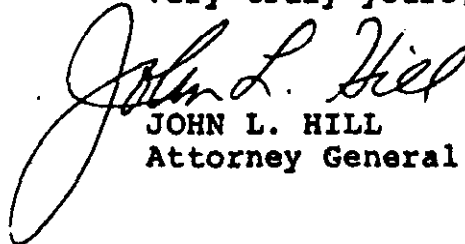
The Commissioner may require, by subpoena or summons . . . the attendance and testimony of witnesses . . . [and may] examine witnesses and receive evidence; provided, however, that all information of every kind and nature contained therein shall be treated as confidential by the Commissioner and shall not be disclosed to the public except under order of court. . . .

It is clear that this provision makes the information requested confidential by statutory law and thus excepts it from required public disclosure by section 3(a)(1).

The fact that the requesting party is the person whose deposition was taken, or the attorney of that person, is not pertinent to a determination whether information is excepted from required public disclosure under the Open Records Act. See Open Records Decision No. 108 (1975). The requesting party contends that Open Records Decision No. 115 (1975), which held that an employee is entitled to a copy of his own statements in an investigation of a personnel matter involving another employee, entitles her to access to her deposition. That decision was based on the special right of access provided to governmental employees by section 3(a)(2), and is not here applicable. See Open Records Decision No. 110 (1975).

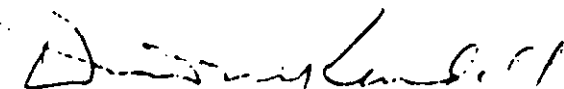
It is our decision that the information requested is excepted from required public disclosure under the Open Records Act by section 3(a)(1) as information deemed confidential by statutory law. We do not determine whether there is any basis other than the Open Records Act by which the individual might obtain access to the information.

Very truly yours,

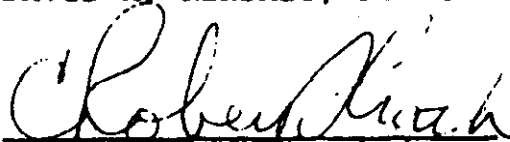


JOHN L. HILL
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APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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